

**Notice of Allowability**

Application No.

09/882,459

Applicant(s)

KALHOUR, MORTEZA

Examiner

Qing-Yuan Wu

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/6/05.
2. ☒ The allowed claim(s) is/are 1, 5-7, 15-19 and 24-27 renumbered 1-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 2/9/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for the examiner's amendment was given in a telephone interview with Mr. Charles L. Miller, reg. No. 43,805 on February 9, 2006 to cancel claims 4, 9-10 and 28-29 and to amend claim 15 as follow.

In the claims:

I. In claim 15;

A resource management system for allocating a shared computer resource between a plurality of applications requesting access to the computer resource, wherein, in determining the allocation of the computer resource between a first application to which the computer resource is currently allocated and a second application requesting access to the computer resource, the computer resource is configured:

- (a) to receive an identity for the second application,
- (b) to compare the identity of the second application to an identity of a predetermined prioritized application to determine whether the second application is the prioritized application, and in the event that the second application is the predetermined prioritized application,

[[c)] to determine whether the computer resource has the authority to allocate itself to the second application, and c) in the event that the computer resource has the authority to allocate itself to the second application,

[[d)] to allocate itself to the second application, and  
d) in the event that the computer resource does not have the authority to allocate itself to the second application,

[[e)] to request a decision from a resource manager as to how to allocate itself.

### *Reasons for allowance*

3. The following is an Examiner's Statement of Reasons for Allowance:

The prior art of record does not expressly teach or render obvious, in the context of the claims taken as a whole as recited in independent claims 1, 15 and 19.

The allocation of resources based on priority and resolving conflicts in the allocation of a shared resource was uncovered in U.S. Patent 5,748,468 (Notenboom et al.), identifying a resource requester based on requester's identification information was uncovered in U.S. Patent 5,991,793 (Mukaida et al) and the self-allocation of resources was uncovered in U.S. PG Pub 20020029213 (Borissov et al.). The references taken alone or in combination does not expressly teach or render obvious, in the context of the claims taken as a whole, as recited in independent claims 1, 15 and 19 in comparing the identity of the second application with an identity for a predetermined prioritized application to determine whether the second application is the predetermined prioritized application; and, in the event that the second application is the predetermined prioritized application, the computer resource determining whether it has the

authority to allocate itself to the second application; in the event that the computer resource has the authority to allocate itself to the second application, the computer resource allocating itself to the second application; and in the event that the computer resource does not have the authority to allocate itself to the second application, the computer resource requesting a decision as to how to be allocated.

Nor was a reference uncovered that would have provided a basis of evidence for asserting a motivation that one of ordinary skill level in the art at the time the invention was made, knowing the allocation of resources based on priority and resolving conflicts in the allocation of a shared resource, identifying a resource requester based on requester's identification information and the self-allocation of resources would have combine to arrive at the method and system for comparing the identity of the second application with an identity for a predetermined prioritized application to determine whether the second application is the predetermined prioritized application; and, in the event that the second application is the predetermined prioritized application, the computer resource determining whether it has the authority to allocate itself to the second application; in the event that the computer resource has the authority to allocate itself to the second application, the computer resource allocating itself to the second application; and in the event that the computer resource does not have the authority to allocate itself to the second application, the computer resource requesting a decision as to how to be allocated as recited in the context of the independent claim

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

Qing-Yuan Wu

Patent Examiner

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